1977 No. 60

FAMILY INCOME SUPPLEMENTS

The Family Income Supplements (General) (Amendment) Regulations (Northern Ireland) 1977

Made . . . . . *8th March* 1977

Coming into operation . . . . *5th April* 1977

The Department(a) of Health and Social Services, in exercise of the powers conferred on it by sections 4(2)(*b*) and 6(2) of the Family Income Supplements Act (Northern Ireland) 1971(b) (as substituted, in the case of the said section 6(2), by the Pensioners and Family Income Supplement Payments Act 1972(c)), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Family Income Supplements (General) (Amendment) Regulations (Northern Ireland) 1977, shall be read as one with the Family Income Supplements (General) Regulations (Northern Ireland) 1971(d), (hereinafter referred to as "the principal regulations"), as amended(e), and shall come into operation on 5th April 1977.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these regulations.

Amendment of the principal regulations

2.—(1) In regulation 2 of the principal regulations (computation of normal gross income of members of a family) after sub-paragraph (*e*) of paragraph (5) there shall be added the following sub-paragraph:

"(*f*) the whole of any sum by way of benefit under the Child Benefit (Northern Ireland) Order 1975(g).".

(2) For paragraphs (3) and (4) of regulation 3 of the principal regulations (claims made during a transitional period) there shall be substituted the following paragraphs:

"(3) Subject to the provisions of the next succeeding paragraph, where a regulation has been made in exercise of powers conferred by section 2(1), 3(1), 3(1A) or 3(4) of the Act (as substituted by paragraphs 5 and 6 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975) (powers to make regulations specifying the prescribed amounts and the weekly rates of family income supplement and in the case of section 3(4) of the Act power to make regulations varying the proportion for the time being specified in section 3(1) of the Act) and a claim is made on or after the

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1971 c. 8 (N.I.)
(c) 1972 c. 75
(d) S.R. & O. (N.I.) 1971 No. 122 (p. 605)
(e) The relevant amending regulations are S.R. & O. (N.I.) 1972 Nos. 22 (p. 85) and 223 (p. 1211) and S.R. 1975 No. 249 (II, p. 1186)
(f) 1954 c. 33 (N.I.)
(g) S.I. 1975/1504 (N.I. 16)

date on which the statutory rule containing that regulation has been made but before the date on which that regulation comes into operation, benefit shall be payable on that claim from and including the date on which that regulation comes into operation if—

(*a*) at the time of the claim, benefit is not payable for the family in respect of whom the claim is made but would have been payable in accordance with the provisions of that regulation, had that regulation been in operation on the date on which the claim was made; and

(*b*) the period beginning with the date on which the claim is made and ending immediately before that regulation comes into operation does not exceed 56 days.

(4) On any claim such as is specified in paragraph (3), the period for which benefit is payable on the claim shall expire on the date on which it would have expired had benefit been payable for a period beginning with the date on which the claim was made.

(5) Where during a period during which benefit is payable for a family—

(*a*) a regulation made in exercise of powers conferred by section 2(1), 3(1), 3(1A) or 3(4) of the Act has or will come into operation; and

(*b*) that regulation, had it been in operation on the date on which the claim was made in respect of which benefit is payable for that family, would have entitled that family to benefit at a higher rate than the rate at which it is payable,

the rate at which benefit is payable for that family shall be with effect from and including the date on which the regulation has or will come into operation, the said higher rate.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th March 1977.

(L.S.) *C. G. Oakes*
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations further amend the Family Income Supplements (General) Regulations (Northern Ireland) 1971 ("the principal regulations") by adding a provision in regulation 2 (computation of normal gross income of members of a family) for the complete disregard of child benefit from 5th April 1977.

Paragraphs (3) and (4) of regulation 3 of the principal regulations have been substituted by 3 paragraphs which now provide that if a claim for benefit is made after a regulation under section 2 or 3 of the Family Income Supplements Act (Northern Ireland) 1971 (Computation Regulations) is made but before it comes into operation, the transitional provisions (enabling certain claimants to obtain benefit) will apply provided the claim is made not more than 56 days before that regulation comes into operation.